

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 10-27, 33, and 40 are requested to be cancelled.

Claims 1, 4 and 39 are currently being amended.

Claims 41-67 are being added.

Amendment to Claims 1 and 4

Claims 1 and 4 have been amended to recite “wherein suspension of the suspension fabric cover is configured to contribute to support of an occupant.” This amendment is not believed to narrow the scope of Claim 1 or Claim 4. None of the cited references or combinations of the cited references are believed to teach each of the elements of Claims 1 and 4 as amended.

Claim Rejections – 35 U.S.C. § 102

A. Claims 1, 4, 28-32, 34-37, and 39

On pages 4 and 5 of the Office Action, Claims 1, 4, 27-37, and 39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Brooks et al. and Claims 1, 4, 27-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lee et al. Claim 1 (as amended) recites “a suspension fabric cover... wherein suspension of the suspension fabric cover is configured to contribute to support of an occupant.” Neither Brooks et al. nor Lee et al. teach a suspension fabric cover where suspension of the suspension fabric seat cover is used to support an occupant.

Brooks et al. is directed to an upholstery fabric cover and not a suspension fabric cover. Col. 1, lines 6-8. Further, Brooks et al. teaches using a heat shrinkable yarn to form a less extensible line that may be used to properly line up and maintain the upholstery cover on the item being upholstered (such as a vehicle seat cushion). Col. 1, lines 51-68. Nothing in

Brooks et al. appears to teach a suspension fabric cover, let alone a suspension fabric cover where suspension of the suspension fabric seat cover is used to support an occupant as claimed in amended Claim 1.

Lee et al. is likewise directed to a cover to be placed over and form fitted to a portion of the seat which provides the support for the occupant. Col. 1, lines 12-15. Further, Lee et al. teaches a shrink yarn should be included so that the upholstery cover will be form fitting to a cushion and frame and does not include wrinkles. Col. 1, lines 15-18 and 46-49. Nothing in Lee et al. appears to teach a suspension fabric cover, let alone a suspension fabric cover where suspension of the suspension fabric seat cover is used to support an occupant as claimed in amended Claim 1.

Since Claim 1 recites at least one element not taught or suggested by either Brooks et al. or Lee et al., neither reference anticipates Claim 1. Claims 28-32 and 38 depend from Claim 1 and would be allowable for at least the same reasons as Claim 1.

Claim 4 recites a seat frame and cover prepared by “heating the combination of the frame and double jersey knit to result in a seat frame covered by a suspension fabric... wherein suspension of the suspension fabric cover is configured to contribute to support of an occupant.” As discussed above, neither Brooks et al. nor Lee et al. teach a seat frame covered by a suspension fabric. Since Claim 4 recites at least one element not taught or suggested by either Brooks et al. or Lee et al., neither reference anticipates Claim 4. Claims 34-37 and 39 depend from Claim 4 and would be allowable for at least the same reason as Claim 4.

Withdrawal of the rejections of Claims 1, 4, 28-32, and 34-39 is respectfully requested.

B. Claim 30

Claim 30 recites “the suspension seat cover is configured to have give when mounted to the seat frame while supporting an occupant and to have sufficient memory to return the suspension seat cover to its post-shrunk condition after the occupant has departed from the seat.” Neither Brooks et al. or Lee et al. teach that a suspension seat fabric where the

suspension seat fabric is configured such that it has sufficient memory to return to its post-shrunk condition after the occupant has departed from the seat. Rather, Brooks et al. and Lee et al. are silent on whether the covers taught in those references have any memory at all, let alone sufficient memory to return to its post-shrunk condition after the occupant has departed from the seat. Since neither Brooks et al. nor Lee et al. teach at least this element of Claim 30, withdrawal of the rejection of Claim 30 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

On pages 5 and 6 of the Office Action, Claims 2 and 5 were rejected over one of Brooks et al. (US 5,235,826) or Lee et al. (US 6, 279,999) as applied to Claims 1 and 4 (respectively) in view of Girard et al. (US 5,802,882). On pages 6 and 7 of the Office Action, Claims 3 and 6 were rejected over one of Brooks et al. (US 5,235,826) or Lee et al. (US 6,279,999) as applied to Claims 1 and 4 (respectively) in view of Blake (US 2003/0056703). Claims 2, 3, 5, and 6 depend from one of Claims 1 and 4 and are allowable for at least the same reasons as the claim from which they depend.

As discussed above, neither Brooks et al. nor Lee et al. are directed to a suspension fabric seat cover where suspension of the suspension fabric seat cover is configured to be used to support an occupant. Further, neither Girard et al. nor Blake is directed to a suspension fabric cover where suspension of the suspension fabric seat cover is configured to be used to support an occupant. Rather, Girard appears to be directed to an upholstery seat cover. See Fig. 1 and the patents cited at Col. 1, lines 61-62 (each directed to an upholstery fabric cover).

Further, the claimed invention of Claim 1 is not an obvious variation of Brooks et al., Lee et al., Girard et al., Blake, or any combination of those references. When designing an upholstery cover, a person of skill in the art does not need to be concerned with designing a cover that is sufficiently taut or otherwise has characteristics such that it contributes to the support of an occupant. See for instance, paragraphs [0003], [0004], [0013], and [0023] of the present application.

Rather, as discussed above, Lee et al. teaches that a shrink yarn should be included so that the upholstery cover will be form fitting to a cushion and frame and does not include wrinkles. Col. 1, lines 15-18 and 46-49.

Also, as discussed above, Brooks et al. teaches using a heat shrinkable yarn to form a less extensible line that may be used to properly line up and maintain the upholstery cover on the item being upholstered (such as a seat cushion). Col. 1, lines 51-68.

As discussed in the response to the first action, Girard et al. teaches forming an indicator tab that shrinks after heat treatment so that a user may be aware that the cover has gone through heat treatment. Col. 1, lines 35-42.

None of these patents address the particular concerns addressed by a person designing a suspension-fabric-based seat cover where suspension of the suspension fabric seat cover is configured to contribute to support of an occupant as claimed in Claim 1. Since none of the references includes at least one element of Claims 1 and 4 from which Claims 2, 3, 5, and 6 depend, and since no reference provides a motivation to include the missing element, Claims 2, 3, 5, and 6 are believed to be allowable over the various combinations of Brooks et al., Lee et al., Girard et al., Blake. Thus, the four rejections under 35 U.S.C. § 103 are believed to be overcome.

New Claims

Claims 41-67 have been added. Claims 41-67 are believed to be supported by the specification as filed and are not believed to add any new matter.

Claim 41 depends from Claim 1 and further recites “the suspension fabric cover, after shrinking, is configured to be sufficiently taut to support an occupant without a seat cushion” which combination of elements does not appear to be shown by the cited references.

Claim 44 depends from Claim 41 and further recites “the suspension fabric cover is shrinkable in at least two dimensions” which combination of elements does not appear to be shown by the cited references.

Claim 49 depends, indirectly, from Claim 1 and further recites “the seat cover is configured to provide differing amounts of shrink in at least one dimension” which combination of elements does not appear to be shown by the cited references.

Claim 50 depends, indirectly, from Claim 1 and further recites “the seat cover is configured to provide differing amounts of shrink in at least two dimensions” which combination of elements does not appear to be shown by the cited references.

Claim 52 recites elements similar to Claim 1 and is believed to be allowable over the cited references for at least reasons similar to Claim 1.

Claim 56 depends from Claim 52 and further recites “the seat frame includes a seatback portion, and the suspension fabric cover is configured to be shrinkable over the seatback portion” which combination of elements does not appear to be shown by the cited references.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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